

REMARKS

Claims 1, 13-17, 21, 24, 27, 57 and 65 were examined. Applicant has amended claims 1, 27 and 65. No claims are cancelled or are newly presented. No new matter has been introduced.

Claim Objections

The examiner objects to claim 27 for informalities. Applicants thank the examiner for the suggested amendment. Applicant has amended the claim to overcome the objections.

Rejections under 35 USC §112

Claim 65 is rejected under §112, second paragraph, as being indefinite. Claim 65 has been amended or cancelled to overcome this ground of rejection.

Rejections under 35 USC §103

Claims 1, 13-17, 24, 27, 57 and 65 stand rejected under §103(a) as obvious over Levaughn et al. (US 7,150,722) in view of Cunningham et al. (US 6,306,104).

These grounds of rejection are respectfully traversed.

In one embodiment of the present invention, as set forth in claim 1, a body fluid sampling system for use on a tissue site includes a disposable, a penetrating member driver and a plurality of penetrating members arranged in a radial configuration in the disposable. A processor is coupled to the penetrating member driving configured to provide instructions for a fast-into a tissue site and slow-out velocity out of the tissue site. A plurality of analyte detecting members are positioned in the disposable. At least one of the analyte detecting members is positioned to receive fluid from a wound created by an active penetrating members. The detecting members are not pierced by the penetrating members.

None of the references, either singularly or in combination, teach a body fluid sampling system that includes, (i) penetrating members and analyte detecting members positioned in a disposable, (ii) a processor coupled to a penetrating member driving configured to provide instructions for a fast-into a tissue site and slow-out velocity out of the tissue site and (iii) detecting members not pierced by penetrating members.

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-4634 (Docket No. PEL-2688). Applicant respectfully requests entry of these amendments for prosecution in this application.

Respectfully submitted,
GOODWIN PROCTER LLP


Paul Davis, Reg. No. 29,294

Date: 5/26/10

135 Commonwealth Drive
Menlo Park, CA 94025
Tel: 650 752-3106
Customer No. 77845